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EXAMINER
THOMASSON, MEAGAN J

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3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/787,355	MUIR, ROBERT LINLEY
	Examiner	Art Unit	
	Meagan Thomasson	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 December 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _25 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

No amendments have been made to the claims.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim 1,2,4-12,14-16,18-26,28 and 30-32 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Schneier et al. (US 5,871,398).

Regarding claims 1,15,31 and 32 Schneier et al. discloses a method of operating

a gaming system including one or more secure storage and processing devices

[memory **100** containing an operating system, including one-way function **144** as shown

in Fig. 6; col. 14, line 33-col. 15, line 22], a gaming server [CMC 12] and one or more

gaming consoles [HTV **20**], each console including a secure storage and processing

device read/write interface [**94**] and a user interface allowing a user to initiate a game

and observe a result [Display **84**], and the server including a random seed generator

and being in communication with a secure storage and processing device read/write

interface (col. 24, lines 29-32, wherein "game outcomes are generated in the HTV

based upon a random seed value from the central management computer"), the method

comprising;

The server creating a random seed, and communicating the seed for storage in one of the secure storage and processing devices, via the secure storage and processing device read/write interface with which the server is in communication, to provide a plurality of predetermined outcomes for games to be played on one or more of the gaming consoles (col. 15, lines 20-25), and

Communicating between one of the gaming consoles and one of the secure storage and processing devices via the respective secure storage and processing device read/write interface, and upon receipt of a user input initiate a game on the console, wherein the game requires a set of random numbers to produce an outcome, producing in the secure storage and processing device, a set of random numbers required to play a game, from the random number seed and producing a game play sequence including a game and/or gamble outcome indication determined by the random numbers produced by the secure storage and processing device alone or in combination with a user input (col. 15, lines 40-50).

Schneier et al. does not specifically disclose the server creating a plurality of random seeds ... to provide a plurality of predetermined outcomes for future games. However, Schneier does disclose that multiple outcomes may be generated using a single seed received from the central server, wherein said multiple outcomes may be used to play multiple games (col. 15, lines 40-47, "The HTV **20** includes a game generation routine ... which provides for the generation of various games in accordance with the purchased outcome data"). These multiple games cannot be played simultaneously, and therefore every win or lose outcome that will be generated as a

result of playing these multiple games comprises a "future game" outcome. That is, the invention disclosed by Schneier teaches providing a plurality of predetermined outcomes for future games to be played on the gaming console utilizing a single random number seed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize either a plurality of random seeds or a single random seed, as it is possible to generate multiple game outcomes using both without changing the overall effect of the gaming device.

Regarding claims 2,16 Schneier discloses when calculating the set of random numbers from the random number seed, the secure storage and processing device uses an algorithm known to the server whereby the server can predict the outcome derived (col. 15, lines 20-28, "... the same one-way function is stored in the CMC memory **32** ... to enable the CMC **12** to verify the data).

Regarding claim 4,18 Schneier discloses after the set of random numbers to be used to determine a gamble outcome are produced by the secure storage and processing device, the console then chooses a game outcome which will achieve that gamble outcome (col. 15, lines 45-50).

Regarding claim 5,19 Schneier discloses after the set of random numbers to be used to determine a gamble outcome are produced by the secure storage and processing device, the secure storage and processing device then chooses a game outcome which will achieve that gamble outcome and communicates the chosen game outcome to the console, as col. 15, lines 45-50 disclose the game program unit **152** is utilized to determine the game outcome that meets the gamble outcome generated by

the secure storage and processing device is contained within the secure storage and

processing device HTV Memory **100**.

Regarding claims 6,7,20 and 21, Schneier discloses the secure storage and

processing device generates game verification data which is stored until the secure

storage and processing device is in communication with the gaming server at which

time the secure storage and processing device communications the game verification

data to the gaming server (col. 18, lines 34-67). The secure storage and processing

device communicates the game verification data to the gaming server via the console,

as the HTV memory **100** is located within the console.

Regarding claim 8,22 Schneier discloses when one of the secure storage and

processing devices is connected to a console the gaming server communicates new

random seeds to the secure storage and processing device via the console thereby

allowing the player to recharge the games stored on the secure storage and processing

device (col. 17, lines 10-20).

Regarding claim 9,23 Schneier discloses the secure storage and processing

device, i.e. game console, need not be in communication with the gaming server when

the game is played (abstract), and each time the secure storage and processing device

is connected to the gaming server, it will generate and send a signal to the server

indicated the stored game verification data corresponding to the random seed that has

been used (col. 28, line 58-col. 29, line 25).

Regarding claim 10,24 Schneier discloses game play may include a set in which

the player makes a bet on the outcome of each game, as this is a known method of

playing lottery games (abstract).

Regarding claims 11,12,25 and 26, Schneier discloses the secure storage and

processing device disclosed by Schneier is programmed to maintain accounting records

of the player's account balance as a result of wins and losses incurred during gaming

(Fig. 6, Accounting unit **154** located in secure storage and processing device HTV

memory **100**). All wagering-type gaming devices have an inherent maximum loss value,

wherein the player's account balance is said maximum loss value such that if the sum of

the player bets exceeds the wins by the maximum loss value or greater, i.e. the player

places a wager larger than their current account balance, the device will prohibit this

gaming transaction as the player does not have enough credits to enable said

transaction. Thus, the secure storage and processing device would prevent the player

from placing a bet that will cause the maximum loss value, i.e. the player account

balance, to be exceeded.

Regarding claim 14,30 Schneier discloses the console sends a signal to the

secure storage and processing device describing a state of a game being played for

communication to the gaming server in col. 18, lines 34-67), wherein a state of a game

is interpreted as comprising the player's account status (e.g. winning state if account

balance is greater than beginning balance, etc.).

Regarding claim 28, Schneier discloses the server includes an auditing device for

checking game verification data returns from the secure device in the console (Fig. 3,

CMC Memory **32**, Audit unit **78**).

Claim 3,13,17,27,29,33 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schneier et al. (US 5,871,398) in view of McCarthy (US

5,276,312).

Schneier discloses a gaming system comprising one or more secure storage and

processing devices, a gaming server and one or more gaming consoles, wherein a

central server generates a random seed to be utilized by said secure storage and

processing device to generate game outcomes, as described above.

Schneier does not specifically disclose the secure storage and processing device

is a smartcard or smartcard chip. Instead, Schneier discloses the secure storage and

processing device is contained in the gaming console in the form of the memory **100**,

which in turn contains one-way function **144** (Fig. 6). Schneier discloses the use of a

smart card, wherein an authenticatable game authorization message AGAM may be

written to a memory in the smart card **28**, the smart card may be inserted into the

gaming console to be read by said console (col. 14, lines 12-17). Schneier further

discloses the AGAM may comprise a random number seed for communication from the

central server to the gaming console via the smart card (col. 15, lines 20-22). However,

in this embodiment, the smart card disclosed by Schneier does not process the random

number seed in order to generate game outcomes to be displayed by the game console.

In an analogous gaming device, McCarthy discloses the use of smart cards in conjunction with a central server and gaming terminals in order to facilitate the transfer and processing of gaming data. McCarthy specifically discloses the smart card contains information obtained from the central server, including gaming outcome data for use at a gaming terminal, and a processor (col. 8, lines 10-35; Fig. 3). Thus, the combinations of the teachings of Schneier and McCarthy would have been capable of producing a set of random numbers required to play the game in a smart card that is external to the gaming console. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Schneier and McCarthy as all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

Regarding claims 13,27 Schneier discloses the secure storage and processing device read/write interface of each gaming console communicates with secure storage on the smartcard via a secure communications system provided by a further smartcard device (col. 13, lines 5-34).

Response to Arguments

Applicant's arguments filed December 13, 2006 have been fully considered but they are not persuasive.

Specifically, applicant argues that Schneider does not disclose a secure storage device producing or calculating a set of random numbers indicating a game or gamble outcome from a server-provided seed to play a game. In fact, Schneier discloses such a secure storage and processing device as the HTV Memory unit **100**, as shown in Fig. 6. Further, applicant's specification recites "In one embodiment of the invention, the secure storage and processing means is a smart card which may be permanently fixed in the console" (Specification P. 6, 6th paragraph; and as shown in Fig. 2 of applicant's drawings). Therefore, the HTV Memory **100** disclosed by Schneier performs the same function of receiving a random number seed from a server and producing game outcomes from said seed, as described in col. 15, lines 20-25, and also meets the apparatus limitations of said secure storage and processing device as described in applicant's specification. Only claim 34 recites the limitations of said secure storage and processing device receives a random number seed from a server and producing game outcomes from said seed, and said secure storage and processing device is removable from said gaming console, which has been addressed by the new rejection in view of McCarthy (US 5,276,312).

Regarding applicant's arguments that Schneier does not disclose the dependent claim limitations please see the above rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 18, 2007

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